

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

**CHRISTOPHER JOHNSON,**  
*Plaintiff*

**V.**

**HARRIS COUNTY, and, INDIVIDUALLY  
GERRIT QUELLHORST, and  
JOHN AND JANE DOES**  
*Defendants.*

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**CIVIL ACTION NO. 4:16-CV-01623**

**JURY DEMAND**

**DEFENDANT HARRIS COUNTY’S ORIGINAL ANSWER**

Defendant Harris County (“Harris County”) now files its Original Answer, and would respectfully show this Court as follows:

**FIRST DEFENSE**

1. Plaintiff Christopher Johnson (“Plaintiff”) has failed to state a claim upon which relief can be granted.

**SECOND DEFENSE  
(Admissions and Denials)**

2. The “Preliminary Statement” in Paragraph 1 is simply a description of Plaintiff’s claims and requires no responsive pleading. To the extent, if any, it constitutes an averment of facts, it is denied.

3. Harris County admits the allegations in Paragraph 2.

4. Harris County denies the allegations in Paragraph 3.

5. Harris County admits the allegations in Paragraph 4.

6. Harris County lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 5.

7. Harris County lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 6.

8. Harris County admits the allegations in Paragraph 7.

9. Harris County admits the allegations in Paragraph 8.

10. Harris County denies the allegations in Paragraph 9.

11. Harris County admits that on July 25, 2015, Plaintiff was detained by Deputy Quellhorst and admits that Plaintiff was subsequently arrested on a charge of driving while intoxicated. Harris County admits that Plaintiff was transported to the Harris County Jail after administration of the SFST's and a search warrant was obtained for a blood draw.

12. Harris County lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 11.

13. Harris County admits the allegations in the first sentence of Paragraph 12, and denies the allegations in the second sentence of Paragraph 12.

14. Harris County lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 13.

15. Harris County denies the allegations in Paragraph 14, except that it admits that Plaintiff required assistance while taking his booking photograph, and that Plaintiff was handcuffed.

16. Harris County lacks knowledge or information to form a belief as to whether Plaintiff suffered significant pain and denies that Plaintiff was assaulted. Harris County would show that Plaintiff was evaluated by medical during his Intake Health Screening and that he denied any recent trauma. Harris County lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 15, except that it denies Plaintiff was abused.

17. Harris County lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 16, except that it denies Plaintiff was assaulted, manhandled or mistreated in the Harris County Jail.

18. Harris County lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 17.

19. Harris County denies the allegations in Paragraph 18.

20. The allegations in Paragraph 19 are a legal conclusion only and require no responsive pleading. To the extent, if any, they constitute an averment of fact, they are denied.

21. Harris County denies the allegations in Paragraph 20.

22. Harris County denies the allegations in Paragraph 21.

23. Harris County denies the allegations in Paragraph 22.

24. Harris County lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 23.

25. Harris County lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 24.

26. Harris County denies the allegations in Paragraph 25.

27. Harris County denies the allegations in Paragraph 26.

28. Harris County denies the allegations in Paragraph 27.

29. Harris County denies the allegations in Paragraph 28.

30. Harris County admits that there is a duty to protect a pretrial detainee, but denies the remaining allegations in Paragraph 29.

31. Harris County denies the allegations in Paragraph 30.

32. Harris County denies the allegations in Paragraph 31.

33. Harris County denies the allegations in Paragraph 32.

**THIRD DEFENSE**

34. Harris County is entitled to official, qualified, sovereign and/or governmental immunity.

**REQUEST FOR JURY TRIAL**

35. Harris County requests a trial by jury.

**REQUEST FOR ATTORNEY'S FEES**

36. This case is frivolous and was filed solely for purposes of harassment. Harris County requests that it be awarded its attorneys' fees and costs pursuant to 42 U.S.C. Section 1988.

WHEREFORE, PREMISES CONSIDERED, Defendant Harris County respectfully requests that Plaintiff take nothing against it, that it be dismissed, with prejudice, from this lawsuit that it recover its attorneys' fees and other costs, and for such other and further relief to which it shall show itself to be entitled.

Respectfully submitted,

OF COUNSEL:

VINCE RYAN  
HARRIS COUNTY ATTORNEY

/S/ Mary E. Baker

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ATTORNEY FOR DEFENDANT

**CERTIFICATE OF SERVICE**

I hereby certify that on July 27, 2016, a true and correct copy of this pleading was delivered via CM/ECF system:

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**/S/ Mary E. Baker**  
MARY E. BAKER  
Senior Assistant County Attorney